

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LUCRETIA CLAY, et al.)
)
 Plaintiffs,)
)
 v.) No. 1:25-cv-00018-JPH-TAB
)
 ANDREW THORUP in his individual and)
 official capacity, et al.)
)
 Defendants.)

**ORDER DENYING REQUEST TO PROCEED ON
APPEAL *IN FORMA PAUPERIS***

Lucretia Clay seeks leave to proceed on appeal without prepaying the appellate fees of \$505.00. Dkt. 93. However, an appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in "good faith." 28 U.S.C. § 1915(a)(3). "Good faith," in the context of § 1915(a)(3), refers to the "more common legal meaning of the term, in which to sue in bad faith means merely to sue on the basis of a frivolous claim." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). In other words, § 1915(a)(3)'s "good faith" determination is not about the plaintiff's sincerity in requesting appellate review. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). A sincere litigant still lacks objective "good faith" under § 1915(a)(3) if his claim is one that "no reasonable person could suppose to have any merit." *Lee*, 209 F.3d at 1026.

Under this standard, Ms. Clay's request to appeal *in forma pauperis* must be denied. The Court has not entered final judgment under Federal Rule of

Civil Procedure 54(b) or 58, *see House v. Belford*, 956 F.2d 711, 716 (7th Cir. 1992), and the Court has not entered an order that qualifies as an appealable interlocutory order under 28 U.S.C. § 1292. An appeal is therefore not permitted at this time, and the Seventh Circuit has dismissed similar appeals for lack of jurisdiction. *See, e.g., Bryant v. United States*, No. 17-2813, 2017 WL 8159216, at *1 (7th Cir. Oct. 24, 2017).

Because there is no objectively reasonable argument that Ms. Clay's appeal has merit at this point in her case, this appeal is not taken in "good faith," and the motion for leave to proceed on appeal *in forma pauperis* is **DENIED**. Dkt. [93]. For the same reasons, Ms. Clay's motion to stay proceedings pending appellate review is **DENIED**. Dkt. [94].

SO ORDERED.

Date: 8/7/2025

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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